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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-12- 214 RS
)	
Plaintiff,	)	STIPULATION AND PROPOSED
	)	ORDER CONTINUING STATUS
	)	CONFERENCE AND EXCLUSION OF
	)	TIME
)	
	)	Current Hearing Date: May 8, 2012
vs.	)	Time: 2:30 p.m.
	)	Judge: Hon. Richard Seeborg
WALTER SWIFT,)	
	)	Proposed Hearing Date: May 22, 2012
Defendant.	)	Time: 2:30 p.m.
	)	Judge: Hon. Richard Seeborg

The above-captioned case is on calendar for a status conference on May 8, 2012 at 2:30 p.m. The parties jointly request that the hearing be continued until May 22, 2012, at 2:30 p.m., and that the time between May 8, 2012 and May 22, 2012 be excluded from the Speedy Trial clock as set forth below.

The continuance is necessary to allow defense counsel adequate time to investigate and evaluate a potential plea agreement. Defense counsel thus requests that the status conference be moved to May 22, 2012. Defense counsel has contacted Assistant United States Attorney Cynthia Frey and she has no objection to the continuance.

1 Further, and in light of the foregoing, the parties stipulate and jointly request that
2 time be excluded from the Speedy Trial Act calculations from Tuesday, May 8, 2012 through
3 Tuesday, May 22, 2012, for effective preparation of counsel. The parties agree that the ends of
4 justice served by granting such a continuance outweigh the best interests of the public and the
5 defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv)..

6 **IT IS SO STIPULATED.**

7
8 5/7/2012
9 DATED

/s/
CYNTHIA FREY
Assistant United States Attorney

10
11 5/7/2012
12 DATED

/s/
ELIZABETH M. FALK
Assistant Federal Public Defender
Counsel for Walter Swift


~~PROPOSED~~ ORDER

For good cause shown, the trial setting hearing now scheduled for Tuesday, May 8, 2012 is vacated. The matter shall be added to the Court's calendar on Tuesday, May 22, 2012 at 2:30 p.m.

In addition, for the reasons stated above, the Court finds that an exclusion of time from Tuesday, May 8, 2012 through Tuesday, May 22, 2012 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny the defendant and defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §3161(h)(7)(A), (h)(7)(B)(iv).

IT IS SO ORDERED.

5/8/12
DATED _____



HON. RICHARD SEEBORG
United States District Judge